

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Albany Medical Center

Plaintiff

vs

1:04-cv-1399(FJS/RFT)

United States of America

Defendant

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court having been advised by counsel that the above entitled action has been settled, or is in the process of settling, there remains no further issues for the Court to resolve, making it is unnecessary for this action to remain on the Court's open docket. Therefore, it is


ORDERED that this action is dismissed **WITHOUT PREJUDICE** and that the Court will retain jurisdiction to vacate this order and reopen the action for good cause shown that the settlement was not consummated and that further litigation is necessary, upon a motion by any party. It is further

ORDERED that the parties shall continue to provide the Court with a status report at least every 60 days but no more than 90 days from the date of this order. It is further

ORDERED that upon reaching a final settlement, the parties shall electronically file a stipulation of discontinuance and/or a settlement agreement.

IT IS SO ORDERED.

Date: February 9, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge